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PTO/SB/21 (12-97)

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total No. of Pages in this Submission: 26

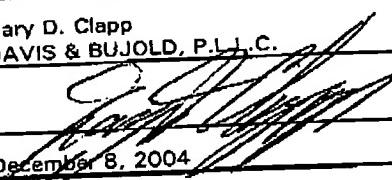
Application Number	09/544,682	
Filing Date	April 7, 2000	
First Named Inventor	Robert J. DOHERTY, Peter L. TIERNEY and Marios ARNAOUTOGLOU-ANDREOU	
Group Art Unit	2131	
Examiner Name	Norman M. WRIGHT	Fax: (703) 746-7240
Attorney Docket Number	VIATEC P01AUS	

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <b>■ Response</b> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <b>■ Additional Enclosure(s)</b> <i>(please identify below):</i> COPY of Notice of Non-Compliant Amendment (37 CFR 1.121)
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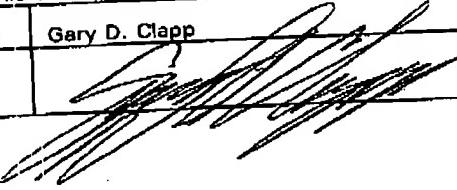
## REMARKS

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Gary D. Clapp DAVIS & BUJOLD, P.L.L.C.	Reg. No. 29,055 CUSTOMER NO. 020210
Signature		
Date	December 8, 2004	

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on December 8, 2004

Type or printed name	Gary D. Clapp	Date: December 8, 2004
Signature		

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DEC 08 2004

PATENT APPLICATION

12/08/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Robert J. DOHERTY, Peter L. TIERNEY and  
Marios ARNAOUTOGLOU-ANDREOU  
Serial no. : 09/544,682  
Filed : April 7, 2000  
For : SYSTEM AND EMBEDDED LICENSE CONTROL  
MECHANISM FOR THE CREATION AND  
DISTRIBUTION OF DIGITAL CONTENT FILES AND  
ENFORCEMENT OF LICENSED USE OF THE DIGITAL  
CONTENT FILES  
Group Art Unit : 2131  
Examiner : Norman M. Wright  
Docket : VIATEC P01AUS

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

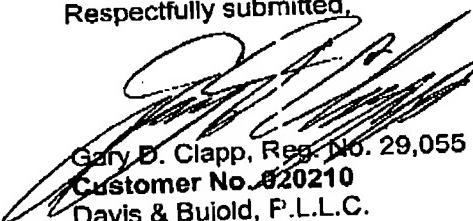
[XXX] NO FEES ARE PAYABLE WITH RESPECT TO THIS RESPONSE.

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated December 3, 2004, the Applicant appropriately revised the previous filed response to overcome the noted deficiencies, i.e., to include a marked-up version of the amended claims, and is resubmitting the same per the attached.

If anything further is required in order to respond to the outstanding Notice, please contact the undersigned by telephone to expedite handling of the same.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

  
Gary B. Clapp, Reg. No. 29,055

Customer No. 620210

Davis & Bujold, P.L.L.C.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

09 | 544-082  
 COMMISSIONER FOR PATENTS  
 MAILING ADDRESS: P.O. BOX 1450  
 ALBAM, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 10-7-04 is considered non-compliant because it fails to conform to requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings: \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - C. Each claim has not been provided with the proper status identifier; and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Cancelled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: Amend should read Currently amended

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/wab/offices/pac/dapp/opla/orcogenesis/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*Crystal Queen 571-272-1041*  
 Legal Instruments Examiner (LIE) Telephone No. \_\_\_\_\_

DEC 08 2004

10/07/04

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : ROBERT J. DOHERTY  
 Serial no. : 09/544,682  
 Filed : 04/07/2000  
 For : SYSTEM AND EMBEDDED LICENSE CONTROL  
       MECHANISM FOR THE CREATION AND DISTRIBUTION  
       OF DIGITAL CONTENT FILES AND ENFORCEMENT OF  
       LICENSED USE OF THE DIGITAL CONTENT FILES  
 Group Art Unit : 2134  
 Examiner : Norman M. Wright  
 Docket : VIATECP01AUS

The Commissioner for Patents  
 U.S. Patent & Trademark Office  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

## RESPONSE

Dear Sir:

[XXX] NO FEES ARE PAYABLE WITH RESPECT TO THIS RESPONSE.

In response to the official action mailed July 8, 2004, please enter the following before  
 reconsideration of this application.

Please amend the above identified Application as follows:

In the claims:

Please amend claim 24 as follows wherein insertions are indicated by underlining and  
 deletions are indicated by cross-outs.